

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MAHIN SAEID,

Plaintiff,

vs.

DESERT PALACE, INC., et al.,

Defendants.

Case No. 2:12-cv-01826-APG-PAL

ORDER

(Mtn to Strike - Dkt. #61)
(Mtn Amend Deadlines - Dkt. #66)

Before the court is Defendant Desert Palace, Inc.'s Motion to Strike Plaintiff's Supplemental Expert Report (Dkt. #61), and Plaintiff's Ex Parte Motion for Sanctions Pursuant to Fed. R. Civ. P. 37, or in the Alternative, Motion to Amend or Extend Deadlines in Scheduling Order (Dkt. #66). Plaintiff's motion and attachments were docketed as an "ex parte" motion and filed under seal. As a result, it was not electronically served on opposing counsel. There is no proof of service indicating that the motion was served on opposing counsel. It appears the motion was erroneously filed on a "ex parte" basis because only one side requests relief. However, there is no justification for filing the motion under seal or failing to serve it on opposing counsel. Accordingly,

IT IS ORDERED that:

1. Plaintiff shall file the Motion for Sanctions Pursuant to Fed. R. Civ. P. 37, or in the Alternative, Motion to Amend or Extend Deadlines in Scheduling Order (Dkt. #66) in the public record and serve it on opposing counsel.
2. Counsel for Defendants shall have until November 18, 2013, to file a response to the Motion (Dkt. #66).

///

///

3. A hearing on both Motions (Dkt. ##61, 66) is set for Tuesday, **November 26, 2013, at 10:30 a.m.**

Dated this 4th day of November, 2013.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE